

RENE L. VALLADARES
Federal Public Defender
Nevada State Bar No. 11479
TIFFANY L. NOCON
Assistant Federal Public Defender
California State Bar No. 301547
411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
(702) 388-6577/Phone
Tiffany.Nocon@fd.org

Attorney for Albert Landaverde

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ALBERT LANDAVERDE,
Defendant.

Case No. 2:19-MJ-935-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Tiffany L. Nocon, Assistant Federal Public Defender, counsel for Albert Landaverde, that the bench trial currently scheduled on January 15, 2020, be vacated and continued to a date and time convenient to the Court, but no sooner than thirty (30) days.

This Stipulation is entered into for the following reasons:

1. To allow more investigation.
2. Mr. Landaverde is *not* in custody and does not oppose this continuance.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing

1 the time within which the trial herein must commence pursuant to the Speedy Trial
2 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors
3 under Title 18, United States Code § 3161(h)(7)(B)(iv).

4

5 This is the first request for a continuance of the bench trial.

6

7 January 6, 2020.

8

9 RENE L. VALLADARES
10 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

11 By Tiffany L. Nocon
12 TIFFANY L. NOCON
13 Assistant Federal Public Defender

By Rachel Kent
RACHEL KENT
Special Assistant United States Attorney

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA,
6
7 Plaintiff,

8 v.
9 ALBERT LANDAVERDE,
10 Defendant.

Case No. 2:19-MJ-935-BNW

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

11 **FINDINGS OF FACT**

12 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
13 Court finds that:

14 1. To allow more investigation.
15 2. Mr. Landaverde is not in custody and does not oppose this continuance.
16 3. Additionally, denial of this request for continuance could result in a miscarriage of
17 justice. The additional time requested by this Stipulation is excludable in computing
18 the time within which the trial herein must commence pursuant to the Speedy Trial
19 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors
20 under Title 18, United States Code § 3161(h)(7)(B)(iv).

21
22 This is the first request for a continuance of the bench trial.
23
24
25
26

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, January 15, 2020, at 8:45 a.m., be vacated and continued to 2/19/2020 at the hour of 8:45 a.m.

DATED this 7th day of January, 2020.

Bernard Weksler